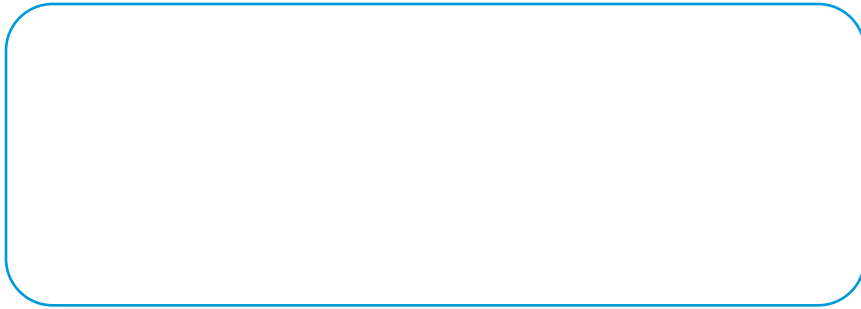


If you would like additional information about adoptions, please contact:



**STATE OF CALIFORNIA**

*Gray Davis, Governor*

**HEALTH AND HUMAN SERVICES AGENCY**

*Grantland Johnson, Secretary*

**DEPARTMENT OF SOCIAL SERVICES**

*Rita Saenz, Director*



PUB 152 (6/02)

# ADOPTION ASSISTANCE PROGRAM



**A FAMILY — EVERY SPECIAL CHILD'S DREAM.**

## **WILL AAP ELIGIBILITY CONTINUE IF THE CHILD MOVES TO ANOTHER STATE?**

The child is automatically eligible for medical assistance (Medicaid) and social services in his or her new state of residence if part of his or her AAP benefits is paid with federal funds. Federal laws require that the child's AAP benefits, including medical assistance, continue when the family moves to another state. The original state in which AAP benefits were received continues to make the AAP payments.

The State of California has joined the Interstate Compact on Adoption and Medical Assistance (ICAMA). The ICAMA is intended to assist adoptive parents who move across state lines by providing a coordinated administration of medical services and benefits for adopted children in interstate situations. Under this Compact, non-federally eligible children who move out of California may be eligible for Medicaid in their new state of residence. In order to have benefits continue in the new state of residence, the adoptive family must notify the adoption agency of any change of address.

For additional information regarding ICAMA, please contact:

**Child and Youth Permanency Branch  
California Department of Social Services  
744 P Street, M.S. 19-78  
Sacramento, CA 95814  
(916) 455-0813**

## DOES THE AAP BENEFIT COVER RESIDENTIAL TREATMENT EXPENSES FOR THE CHILD?

In certain circumstances, the AAP may cover an out-of-home placement. The adoptive parents must notify the responsible public adoption agency when the child has a condition that the parents believe requires placement of the child in a group home or in a residential treatment facility in or out of California. The agency will determine the maximum AAP benefit available based on the state-approved group home rate level for which the child is eligible and whether the selected placement is able to meet the child's needs and qualifies for state payments. The adoptive parents must actively participate in a plan for the child's return to their home. The AAP benefit is limited to 18-months per episode or condition justifying the out-of-home placement. If the out-of-home placement is being paid by another agency (i.e., mental health department), the maximum AAP benefit available is either the age-related, state-approved basic foster family home care rate or the adoptive parent's actual share of cost for support of the child, whichever is greater, but not to exceed what the child would have received if he or she were in his or her own home.



## WHAT IS THE ADOPTION ASSISTANCE PROGRAM (AAP)?

The AAP provides financial benefits to individuals who are willing to become the legal, permanent family for eligible children who otherwise would remain in long-term foster care.

The AAP enables more prospective adoptive parents to pursue adoption without the fear of having to meet additional child-rearing expenses. The family can then concentrate on providing the child a stable, safe, and nurturing, home environment.



## WHO ARE THESE CHILDREN?

These children are in the legal custody of a California licensed adoption agency and are either:

- Juvenile court dependents under the supervision of a county child welfare agency, or
- Relinquished for adoption to the California Department of Social Services (CDSS) or a California licensed public or private adoption agency. The children would otherwise have been at risk of becoming juvenile court dependents as certified by the responsible county child welfare agency.

These children also have any of the following characteristics that are barriers to their adoption without financial assistance:

- Membership in a sibling group that should remain together;
- Ethnicity, race, color, or language;
- Age of three years or older;
- A mental, physical, emotional, developmental, or medical disability; or
- Parental background that can adversely affect the child's development (e.g., drug addiction, mental illness).

A child who was receiving AAP benefits and once again becomes available for adoption continues to be eligible for AAP benefits if the prior adoption was dissolved and the parental rights of the adoptive parents were terminated or if the adoptive parents have died. This continued eligibility exists if the child is adopted through either an agency or independent adoption process.

Children who are adopted through an independent adoption, except as noted above, and children adopted through an intercountry adoption are **not** eligible for AAP benefits.

## MAY THE AAP AGREEMENT BE REVISED IF THE CHILD'S CONDITION OR THE FAMILY'S CIRCUMSTANCES CHANGE?

To ensure consideration of any change in the needs of the child and the circumstances of the family, AAP agreements are routinely reassessed every two years from the date the agreement was signed by the adoptive parents and the public agency.

Every two years, the adoptive parents will receive and complete a Reassessment Information form (AAP 3) and submit it to the public agency. The amount of the AAP benefit may be renegotiated based on significant changes in the child's needs or the circumstances of the family. If a renegotiated AAP benefit amount is established, the adoptive parents and the public agency will sign a new AAP agreement (AD 4320).

An increase in the maximum AAP benefit available is based on the foster family home payment the child may receive at the time of the child's 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> birthdays. It is the adoptive parent's responsibility to contact the responsible public agency and request any increase linked to age-related foster care rate changes.

The amount of the AAP benefit will be adjusted automatically each time there is a cost-of-living adjustment to state-approved foster care rates. A new AAP agreement does not have to be signed at the time of automatic cost-of-living adjustments.

## WHEN DOES THE AAP BENEFIT BEGIN?

The AAP benefit may begin immediately after the Adoptive Placement Agreement and Adoption Assistance Program Agreement form (AD 4320) have been signed by the adoptive parents and the public agency. The initial AAP agreement **must** be signed **before** the finalization of the adoption. The AAP benefit is paid monthly to the adoptive parents by the financially responsible county's child welfare agency.

If during the negotiations for AAP benefits it is mutually determined the child does not require assistance now but may require assistance in the future, the adoptive parents must complete and sign a deferred AAP agreement **before** the finalization of the adoption. Entering into a deferred AAP agreement will allow the child and adoptive parents to receive financial assistance at a future date, if needed.

## HOW LONG MAY A CHILD RECEIVE AAP?

Normally, AAP eligibility continues until the child reaches the age of 18. If the child has a mental or physical disability that warrants the continuation of assistance, eligibility may be extended until the child reaches the age of 21.



## WHAT IS INCLUDED IN THE AAP BENEFIT?

- Medical assistance (MediCal) and
- A monthly monetary benefit to help pay the added expense of rearing the child.

**The maximum AAP benefit payment is limited to the age-related, state-approved monthly foster family home care rate and any applicable specialized care increment (a supplement to the basic rate) that would have been paid if the child had remained in a licensed foster family home.**

After the adoptive parents have negotiated an AAP benefit with the responsible public adoption agency, they may use benefits received in any way they deem appropriate in view of their adopted child's needs and the family's circumstances.

## HOW ARE THE CHILD'S AAP ELIGIBILITY AND AAP BENEFIT AMOUNT DETERMINED?

The responsible public adoption agency will determine the child's eligibility for AAP benefits and the maximum AAP benefit potentially available for the child.

The responsible public adoption agency will assess the child's needs to determine the maximum AAP benefit available based on the age-related, state-approved foster family home rate that would otherwise apply to the child.

There is no income requirement or income means test regarding eligibility for AAP benefits. Adoptive parents of an eligible child are encouraged to complete the Request for Adoption Assistance form (AAP 1) requesting the AAP benefit amount they believe necessary to meet the needs of the child within the circumstances of their family. The AAP 1 is submitted to the financially responsible public adoption agency. The adoptive parents will negotiate the actual AAP benefit amount based on the needs of the child, their family circumstances (i.e., lifestyle, standard of living), and the impact, if any, on their resources by incorporating the child into their household.

If the child is placed with adoptive parents residing outside the financially responsible county, the maximum AAP benefit available will be based on either the foster family home rate of the adoptive parents' county/state of residence or that of the financially responsible county, whichever is higher.

If the child is a client of a California Regional Center for the Developmentally Disabled, the maximum AAP benefit available will be based on the child's needs and level of care rate as formally determined by the California Regional Center. The AAP maximum benefit amount based on a Regional Center client

rate determination applies to the child even if he or she moves to another state.

If the adoptive parents wish to adopt a child who was voluntarily relinquished to a California licensed private adoption agency, the adoptive parents must submit a completed Request for Adoption Assistance form (AAP 1) to the financially responsible public adoption agency to determine the child's eligibility for AAP benefits. The agency responsible for making this determination is the public adoption agency of the county in which the parent who had physical custody of the child was residing at the time he or she signed the relinquishment document.

